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October 25, 2013

VIA ECF

Hon. Naomi Reice Buchwald
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007
Courtesy Copy by Fax: (212) 805-7927

Re: Ydanis Rodriguez et al. v. D.I. Edward Winski et al., 12 Civ. 3389 (NRB)

Dear Honorable Judge Buchwald:

Please recall that my office, along with Stoll Glickman & Bellina LLP, and the Kurland Group, represent the Plaintiffs in this case. I write on behalf of Plaintiffs to request the Court direct the Clerk of the Court to enter the Court's Memorandum and Order of September 26, 2013 as a Final Judgment with respect to the claims and parties at issue therein, on the express determination of the Court that there is no just reason for delay, pursuant to F.R.C.P. 54(b). Plaintiffs sought the consent of Defendants Brookfield Properties, Inc., Mitsui Fudosan America, Inc., J.P. Morgan Chase, and the Metropolitan Transportation Authority via letter, and Defendants do not consent to this request.

Plaintiffs seek to have the Court's Memorandum and Order of September 26, 2013, marked as a final judgment so that Plaintiff's appeal of said order may proceed to review by the Second Circuit forthwith. Plaintiffs submit that immediate appellate review of the Court's September 26, 2013 Memorandum and Order will 1) conserve the resources of the parties; 2) prevent potentially contradictory rulings in the event of a later remand of some or all claims; and 3) promote efficiency and certainty in the litigation process.

Thank you for your time and attention. To the extent that any further information or materials are necessary or desired, please do not hesitate to have your clerks contact us.

I remain,

Very Truly Yours,

~//s//~
Samuel B. Cohen

CC: (Via ECF)
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Satyam Bee
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